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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/596,365

06/09/2006

Jens Fiedler

071308.0712

5702

31625

7590

07/11/2008

BAKER BOTTS L.L.P.

PATENT DEPARTMENT

98 SAN JACINTO BLVD., SUITE 1500

AUSTIN, TX 78701-4039

EXAMINER

ARTHUR JEANGLAUDE, GERTRUDE

ART UNIT

PAPER NUMBER

3661

MAIL DATE

DELIVERY MODE

07/11/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/596,365	Applicant(s) FIEDLER ET AL.	
	Examiner GERTRUDE ARTHUR JEANGLAUD	Art Unit 3661	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 June 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 6/9/06 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>8/07/06</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Drawings

New corrected drawings in compliance with 37 CFR 1.121(d) are required in this application because the boxes in Figures 1-5, 7 need to be labeled. Applicant is advised to employ the services of a competent patent draftsman outside the Office, as the U.S. Patent and Trademark Office no longer prepares new drawings. The corrected drawings are required in reply to the Office action to avoid abandonment of the application. The requirement for corrected drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

Claims 1-13, are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1, recites the limitation "the three axes" in line 9. There is insufficient antecedent basis for this limitation in the claim.

Claim 13, recites the limitation "the three axes" in line 7. There is insufficient antecedent basis for this limitation in the claim.

Claims 2-12, 14-23 are rejected for incorporating the deficiencies of their base claim.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

Art Unit: 3661

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-23 are rejected under 35 U.S.C. 102(b) as being anticipated by Nakamura et al. (U.S. Patent No. 5,408,411).

Regarding claims 1, 13, Nakamura et al. disclose an arrangement for monitoring a measuring device disposed in a wheeled vehicle comprising the measuring device (See Fig. 3), being operable to measure three linear accelerations of the wheeled vehicle which are oriented perpendicular to one another and three rotation rates of a rotational movement about an axis of the wheeled vehicle, the three axes running perpendicular to one another (See col. 7, lines 20-60), an orientation determining device for determining an orientation of the wheeled vehicle from the three rotation rates in a coordinate system external to the vehicle (See col. 9, lines 22-27), and a monitoring device for monitoring at least one of the measured linear accelerations using an output variable of the orientation determining device and using a comparison variable (See col. 16, lines 24-47).

Regarding claims 2, 14, Nakamura et al. disclose a traveling velocity determining device for determining a traveling velocity of the wheeled vehicle and which is connected to the monitoring device, the monitoring device being designed to determine a comparison variable using the traveling velocity (See col. 15, lines 22-30; col. 16, lines 24-42; col. 19, lines 21-43).

Regarding claims 3, 15, Nakamura et al. disclose the traveling velocity determining device is designed to determine the traveling velocity using a variable

characterizing a rotation speed of a wheel of the wheeled vehicle (See col. 19, lines 21-43).

Regarding claims 4, 16, Nakamura et al. disclose the traveling velocity determining device is connected to a steering angle determining device for determining a steering angle of at least one steerable wheel of the wheeled vehicle and wherein the traveling velocity determining device is designed to determine the traveling velocity using the steering angle(See col. 7, lines 3-15).

Regarding claims 5, 17, Nakamura et al. disclose the traveling velocity determining device is connected to the measuring device and is designed to determine the traveling velocity using at least one of the three rotation rates (See col. 9, lines 22-27).

Regarding claims 6, 18, Nakamura et al. disclose the measuring device has acceleration sensors for measuring the three linear accelerations and rotation rate sensors for measuring the three rotation rates and wherein the acceleration sensors and the rotation rate sensors are parts of a prefabricated constructional unit designed for mounting in the wheeled vehicle (See col.17, lines 17-33).

Regarding claim 7, Nakamura et al. disclose the measuring device is designed such that the three linear accelerations can be measured as three measured variables linearly independent of one another (See col. 23, lines 55-65).

Regarding claims 8, 19, Nakamura et al. disclose the measuring device is designed such that the three axes run pairwise perpendicular to one another (See col. 7, lines 20-44).

Regarding claims 9, 20, Nakamura et al. disclose the monitoring device is designed to perform monitoring using the orientation and using a comparison acceleration without using the to-be-monitored linear acceleration measured by the measuring device (See col. 7, lines 34-44).

Regarding claims 10, 21, Nakamura et al. disclose the monitoring device is designed to determine the comparison variable using a position of a vehicle body on which the measuring device is mounted or is to be mounted, relative to a chassis (See col. 7, lines 52-62).

Regarding claims 11, 22, Nakamura et al. disclose the orientation determining device is designed to detect a stationary state of the wheeled vehicle and, stationary state, to determine the values for a specifically future determination of the orientation using at least one of the linear accelerations measured by the measuring device (See col. 27, lines 60-col. 28, line 10; col. 8, lines 20-27).

Regarding claims 12, 23 Nakamura et al. disclose the orientation determining device is designed to detect straight-ahead travel of the wheeled vehicle on a level surface and, in this driving situation, to determine values for a specifically future determination of the orientation using at least one of the linear accelerations measured by the measuring device (See col. 24, lines 22-38; it is considered that the navigation system is capable of detecting straight-ahead travel of the wheeled vehicle on a level surface).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to GERTRUDE ARTHUR JEANGLAUD whose telephone number is (571)272-6954. The examiner can normally be reached on Monday-Friday from 8:30 a.m. to 6:00 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Black can be reached on (571) 272-6956. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Gertrude Arthur-Jeanglaude/
Primary Examiner, Art Unit 3661

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